

1 A bill to be entitled
2 An act relating to public works; amending s. 255.0991,
3 F.S.; revising a prohibition relating to any
4 solicitation for construction services paid for with
5 state appropriated funds; amending s. 255.0992, F.S.;
6 revising the definition of the term "public works
7 project"; prohibiting the state or any political
8 subdivision that contracts for a public works project
9 from taking specified action against certain persons
10 that are engaged in a public works project or have
11 submitted a bid for such a project; amending s.
12 403.928, F.S.; requiring the Office of Economic and
13 Demographic Research to include an analysis of certain
14 expenditures in its annual assessment; creating s.
15 403.9301, F.S.; providing definitions; requiring
16 counties, municipalities, and special districts that
17 provide wastewater services to develop a needs
18 analysis that includes certain information by a
19 specified date; requiring municipalities and special
20 districts to submit such analyses to a certain county;
21 requiring the county to file a compiled document with
22 the coordinator of the Office of Economic and
23 Demographic Research by a specified date; requiring
24 the office to evaluate the document and include an
25 analysis in its annual assessment; creating s.

403.9302, F.S.; providing definitions; requiring counties, municipalities, and special districts that provide stormwater management to develop a needs analysis that includes certain information by a specified date; requiring municipalities and special districts to submit such analyses to a certain county; requiring the county to file a compiled document with the Secretary of Environmental Protection and the coordinator of the Office of Economic and Demographic Research by a specified date; requiring the office to evaluate the document and include an analysis in its annual assessment; providing a determination and declaration of important state interest; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (2) of section 255.0991, Florida Statutes, is amended to read:

255.0991 Contracts for construction services; prohibited local government preferences.—

(2) For any ~~a~~ competitive solicitation for construction services paid for, in whole or in part, with funding that is state-appropriated ~~in which 50 percent or more of the cost will be paid from state-appropriated funds which have been appropriated at the time of the competitive solicitation, a~~

51 state college, county, municipality, school district, or other
52 political subdivision of the state may not use a local ordinance
53 or regulation to prevent a certified, licensed, or registered
54 contractor, subcontractor, or material supplier or carrier, from
55 participating in the bidding process ~~that provides a preference~~
56 based upon:

57 (a) The contractor's maintaining an office or place of
58 business within a particular local jurisdiction;

59 (b) The contractor's hiring employees or subcontractors
60 from within a particular local jurisdiction; or

61 (c) The contractor's prior payment of local taxes,
62 assessments, or duties within a particular local jurisdiction.

63 Section 2. Paragraph (b) of subsection (1) and subsection
64 (2) of section 255.0992, Florida Statutes, are amended to read:

65 255.0992 Public works projects; prohibited governmental
66 actions.—

67 (1) As used in this section, the term:

68 (b) "Public works project" means an activity exceeding
69 \$1,000,000 in value that is ~~of which 50 percent or more of the~~
70 ~~cost will be paid for, in whole or in part, with from~~ state-
71 appropriated funds ~~that were appropriated at the time of the~~
72 ~~competitive solicitation~~ and which consists of the construction,
73 maintenance, repair, renovation, remodeling, or improvement of a
74 building, road, street, sewer, storm drain, water system, site
75 development, irrigation system, reclamation project, gas or

76 electrical distribution system, gas or electrical substation, or
77 other facility, project, or portion thereof that is owned in
78 whole or in part by any political subdivision.

79 (2)~~(a)~~ Except as required by federal or state law, the
80 state or any political subdivision that contracts for a public
81 works project may not take the following actions:

82 (a) Prevent a certified, licensed, or registered
83 contractor, subcontractor, or material supplier or carrier, from
84 participating in the bidding process based on the geographic
85 location of the company headquarters or offices of the
86 contractor, subcontractor, or material supplier or carrier
87 submitting a bid on a public works project or the residences of
88 employees of such contractor, subcontractor, or material
89 supplier or carrier.

90 (b) Require that a contractor, subcontractor, or material
91 supplier or carrier engaged in a public works ~~such~~ project:

92 1. Pay employees a predetermined amount of wages or
93 prescribe any wage rate;

94 2. Provide employees a specified type, amount, or rate of
95 employee benefits;

96 3. Control, limit, or expand staffing; or

97 4. Recruit, train, or hire employees from a designated,
98 restricted, or single source.

99 ~~(c)(b) The state or any political subdivision that~~
100 ~~contracts for a public works project may not~~ Prohibit any

101 contractor, subcontractor, or material supplier or carrier able
102 to perform such work that ~~who~~ is qualified, licensed, or
103 certified as required by state or local law to perform such work
104 from receiving information about public works opportunities or
105 from submitting a bid on the public works project. This
106 paragraph does not apply to vendors listed under ss. 287.133 and
107 287.134.

108
109 This section does not apply to a program authorized by s.
110 212.055(1) which is approved by a majority vote of the
111 electorate of the county or by a charter amendment approved by a
112 majority vote of the electorate of the county.

113 Section 3. Paragraph (e) is added to subsection (1) of
114 section 403.928, Florida Statutes, to read:

115 403.928 Assessment of water resources and conservation
116 lands.—The Office of Economic and Demographic Research shall
117 conduct an annual assessment of Florida's water resources and
118 conservation lands.

119 (1) WATER RESOURCES.—The assessment must include all of
120 the following:

121 (e) Beginning with the assessment due January 1, 2022, an
122 analysis of the expenditures necessary to repair, replace, and
123 expand water-related infrastructure. As part of this analysis,
124 the office shall periodically survey public and private
125 utilities.

126 Section 4. Section 403.9301, Florida Statutes, is created
127 to read:

128 403.9301 Wastewater services projections.-

129 (1) The Legislature intends for each county, municipality,
130 or special district providing wastewater services to create a
131 20-year needs analysis.

132 (2) As used in this section, the term:

133 (a) "Domestic wastewater" has the same meaning as provided
134 in s. 367.021.

135 (b) "Facility" means any equipment, structure, or other
136 property, including sewerage systems and treatment works, used
137 to provide wastewater services.

138 (c) "Treatment works" has the same meaning as provided in
139 s. 403.031(11).

140 (d) "Wastewater services" means service to a sewerage
141 system, as defined in s. 403.031(9), or service to domestic
142 wastewater treatment works.

143 (3) By June 30, 2022, and every 5 years thereafter, each
144 county, municipality, or special district providing wastewater
145 services shall develop a needs analysis for its jurisdiction
146 over the subsequent 20 years. In projecting such needs, each
147 local government shall include the following:

148 (a) A detailed description of the facilities used to
149 provide wastewater services.

150 (b) The number of current and projected connections and

151 residents served calculated in 5-year increments.

152 (c) The current and projected service area for wastewater
153 services.

154 (d) The current and projected cost of providing wastewater
155 services calculated in 5-year increments.

156 (e) The estimated remaining useful life of each facility
157 or its major components.

158 (f) The most recent 5-year history of annual contributions
159 to, expenditures from, and balances of any capital account for
160 maintenance or expansion of any facility or its major
161 components.

162 (g) The local government's plan to fund the maintenance or
163 expansion of any facility or its major components. The plan must
164 include historical and estimated future revenues and
165 expenditures with an evaluation of how the local government
166 expects to close any projected funding gap.

167 (4) Upon completing the requirements of subsection (3),
168 each municipality or special district shall submit its needs
169 analysis, as well as the methodology and any supporting data
170 necessary to interpret the results, to the county within which
171 the largest portion of its service area is located. Each county
172 shall compile all analyses submitted to it under this subsection
173 into a single document and include its own analysis in the
174 document. The county shall file the compiled document with the
175 coordinator of the Office of Economic and Demographic Research

no later than July 31, 2022, and every 5 years thereafter.

(5) The Office of Economic and Demographic Research shall evaluate the compiled documents from the counties for the purpose of developing a statewide analysis for inclusion in the assessment due January 1, 2023, pursuant to s. 403.928.

Section 5. Section 403.9302, Florida Statutes, is created to read:

403.9302 Stormwater management projections.—

(1) The Legislature intends for each county, municipality, or special district providing a stormwater management program or stormwater management system to create a 20-year needs analysis.

(2) As used in this section, the term:

(a) "Facility" means any equipment, structure, or other property, including conveyance systems, used or useful in connection with providing a stormwater management program or stormwater management system.

(b) "Stormwater management program" has the same meaning as provided in s. 403.031(15).

(c) "Stormwater management system" has the same meaning as provided in s. 403.031(16).

(3) By June 30, 2022, and every 5 years thereafter, each county, municipality, or special district providing a stormwater management program or stormwater management system shall develop a needs analysis for its jurisdiction over the subsequent 20 years. In projecting such needs, each local government shall

201 include the following:

202 (a) A detailed description of the stormwater management
203 program or stormwater management system and its facilities and
204 projects.

205 (b) The number of current and projected residents served
206 calculated in 5-year increments.

207 (c) The current and projected service area for the
208 stormwater management program or stormwater management system.

209 (d) The current and projected cost of providing services
210 calculated in 5-year increments.

211 (e) The estimated remaining useful life of each facility
212 or its major components.

213 (f) The most recent 5-year history of annual contributions
214 to, expenditures from, and balances of any capital account for
215 maintenance or expansion of any facility or its major
216 components.

217 (g) The local government's plan to fund the maintenance or
218 expansion of any facility or its major components. The plan must
219 include historical and estimated future revenues and
220 expenditures with an evaluation of how the local government
221 expects to close any projected funding gap.

222 (4) Upon completing the requirements of subsection (3),
223 each municipality or special district shall submit its needs
224 analysis, as well as the methodology and any supporting data
225 necessary to interpret the results, to the county within which

226 the largest portion of its stormwater management program or
227 stormwater management system is located. Each county shall
228 compile all analyses submitted to it under this subsection into
229 a single document and include its own analysis in the document.
230 The county shall file the compiled document with the Secretary
231 of Environmental Protection and the coordinator of the Office of
232 Economic and Demographic Research no later than July 31, 2022,
233 and every 5 years thereafter.

234 (5) The Office of Economic and Demographic Research shall
235 evaluate the compiled documents from the counties for the
236 purpose of developing a statewide analysis for inclusion in the
237 assessment due January 1, 2023, pursuant to s. 403.928.

238 Section 6. The Legislature determines and declares that
239 this act fulfills an important state interest.

240 Section 7. This act shall take effect July 1, 2021.